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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,535	11/16/1999	KARL KLAGHOFFER	GR-98-P-5938	4486

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LERNER AND GREENBERG, PA  
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HOLLYWOOD, FL 33022-2480

EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/15/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/441,535

Applicant(s)

KLAGHOFFER ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamdi (USP 6205124) in view of Kumar (USP 6163531).

Hamdi discloses (Fig 1-8 and col. 1, lines 5 to col. 15, lines 24) a terminal which comprising a controller for processing signaling information for a point-to-multipoint connection between the multimedia terminal and a plurality of terminals (Fig 8, Ref 538 and Fig 2b, Ref 169 is multipoint control unit for processing setup signal between the remote terminal 180 and 188 and the system 151); a mixer, connected to said controller for mixing data streams originating at the multimedia terminal and at the plurality of terminals and for providing data stream mixtures the plurality of terminals and mixer provides to each respective one of the plurality of terminals respective one of the DataStream mixtures including a mixture multimedia terminal and at a respective other one of the plurality of terminals (Fig 1 is a multimedia system comprising a multipoint control unit as show at Fig 2 and Fig 1 of Ref 151 having audio mux and control Ref 169 of Fig 2, See Fig 3, wherein the signals is received from the other terminals and original terminal is mixed by bridge 211, Ref 220, 239 and 238 before transmitting to the other terminals); see col. 6, lines 61 to col. 8, lines 56. However, Hamdi does not disclose a multimedia terminal for telephony based on ITU-T Standard H.323 for setting up a multipoint

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connection to a plurality of terminals. In the same field of endeavor, Kumar discloses a terminal having a multipoint controller for setup a teleconference based on ITU-323 (See Fig 2a, Ref 220 and 218 and col. 3, lines 22-40)

Since, Hamdi suggests that DSVD multipoint control unit of a terminal using ITU for processing the setup a teleconference between the terminals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a H.323 terminal for setup a teleconference between terminals as disclosed by Kumar's system into Hamdi's system. The motivation would have been to provide a multipoint conference system without subscribing to a service provider.

### *Response to Arguments*

3. Applicant's arguments filed 5/24/04 have been fully considered but they are not persuasive.

In response to page 5, the applicant states that Hamdi does not disclose a terminal that comprises a controller and mixer. In reply, Hamdi discloses a terminal which comprises a controller and mixer (Fig 1 is computer system comprises multipoint DSVD and Fig 2A discloses an operation of DSVD modems with a bridge, Fig 2B disclose multipoint DSVD system and Fig 4 discloses a detail of multipoint DSVD system of Fig 2B). So the terminal of fig 1 comprises a multipoint DSVD (Fig 1, Ref 151) which includes Fig 2B and 3.

In response to page 4, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where

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there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hamdi discloses a terminal which comprises a controller and mixer for establishing a multipoint teleconference between the terminals by using multipoint digital simultaneous voice and data of the terminal. Kumar discloses a method and system which uses for establishing a teleconference between the terminals by using H.323 protocol. Therefore, it would have been obvious to one of ordinary skill in the art to implement the H.323 protocol into the terminal of Hamdi. The motivation would have been to provide a multipoint conference system without subscribing to a service provider.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

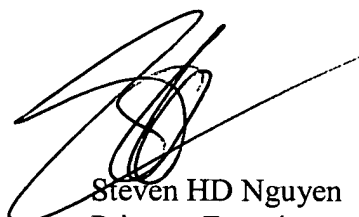
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
6/11/04